

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re JAMES SANTOS,
Plaintiff.

No. C 09-4273 CRB (PR)

ORDER OF DISMISSAL

On September 15, 2009, James Santos submitted an affidavit for filing with the court which was filed as a prisoner case and assigned to the undersigned. The court notified Santos in writing at that time that the action was deficient because Santos did not submit a complaint or petition, or pay the requisite \$350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Santos was advised that failure to file the requested items within 30 days would result in dismissal of the action.

More than 40 days have elapsed; however, Santos has not provided the court with the requisite items, or sought an extension of time to do so. The action is DISMISSED without prejudice.

The clerk shall close the file and terminate all pending motions as moot.

SO ORDERED.

DATED: Oct. 28, 2009



CHARLES R. BREYER
United States District Judge